

**IN THE DRAWINGS:**

Figure 1 has been amended as shown on the Replacement Sheet attached hereto.

## **REMARKS**

In the Office Action dated February 4, 2005, the drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because the Examiner stated Fig. 1 includes reference numeral 10, which was not mentioned in the description. In fact, reference numeral 10 was mentioned in the written portion of the specification as originally filed at page 7, line 2, however, the paragraph beginning at page 6, line 6 has been amended to refer to the x-ray beam 10 as well, together with an x-ray beam 12 that is emitted by the x-ray source 6, and reference numeral 12 accordingly has been added in Figure 1.

The drawings also were objected to under 37 C.F.R. §1.83(a) because the Examiner stated the first x-ray dose, the second x-ray dose, the scaling of claims 3 and 7, and the averaging of claims 4 and 8 must be shown in the drawings.

The drawings as originally filed schematically indicated the second x-ray dose that is different from the first x-ray dose, by virtue of the x-ray beam emitted by the x-ray source 6 having a fewer number of rays therein than the x-ray beam 10 emitted by the x-ray source 4. The written portion of the specification has been amended at page 9 to provide a written description of this illustration that was already shown in the drawings as originally filed. Since this feature was set forth in the claims, which are a part of the specification as originally filed, as well as in Figure 1 as originally filed, no new matter is added thereby.

Blocks in the calculating device 8 designated as an averaging unit 13 and a scaling unit 14 have been added in Figure 1, and those items have been specifically identified in the written portion of the specification respectively in the paragraph beginning at page 8, line 5 and the paragraph beginning at page 8, line 21. Since

the averaging and functioning features were described in the specification as originally filed, as well as being included in the claims, which are a part of the original disclosure, no new matter is added thereby.

Typographical errors in the specification were noted by the Examiner, all of which have been corrected.

The specification was objected to as failing to provide proper antecedent basis for the subject matter of claim 7, under 37 C.F.R. § 1.75(d)(1) and MPEP §608.01(o). The subject matter of claim 7, now embodied in claim 5, is directed to the aforementioned scaling feature, and for the reasons noted above, Applicants submit that this scaling feature was fully described in the specification as originally filed, and is now explicitly set forth in the present specification in conformity with 37 C.F.R. §1.75(d)(1).

Objections to certain language in claims 1, 2, 5 and 6 were noted by the Examiner, and all of the Examiner's suggestions for overcoming these objections have been made.

Claims 3, 4, 7 and 8 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for a number of reasons designated by the Examiner. The Examiner's suggestion for overcoming this rejection has been adopted, and therefore all claims of the application are submitted to be in compliance with Section 112, second paragraph.

Claim 7 was rejected under Section 112, second paragraph as well, as being incomplete, because the Examiner stated claim 7 should include a second x-ray source to obtain diagnostic images using a second x-ray dose. In incorporating the subject matter of claim 7 into independent claim 5, language has been added

directed to a second x-ray source to obtain diagnostic images using a second x-ray dose. The Examiner suggested that such an amendment would create a new rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, however, the discussion above relating to the two different x-ray doses disclosed in the specification as originally filed, and the scaling feature, are sufficient to preclude such a new rejection under Section 112, first paragraph of the subject matter of original claim 7.

Claims 1, 2, 5 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by Nonaka. Claims 3 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nonaka, further in view of Besson.

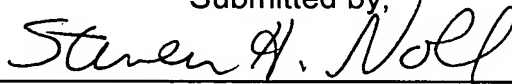
The Besson publication has an effective date for prior art purposes as of its United States filing date, which is April 11, 2003. The present application claims the benefit of convention priority under 35 U.S.C. §119 based on German Application 1 023 429.8, filed in the German Patent and Trademark Office on July 17, 2002. A Certified Copy of that priority document was filed with the original application papers, and acknowledgement of the receipt of that certified copy at the Patent and Trademark Office was made in the Office Action. Applicants herewith submit a Certified Translation of that priority document, thereby precluding continued reliance on the Besson publication in view of the fact that Applicants' priority date precedes the effective prior art date of the Besson publication.

Since the Examiner acknowledged that the Nonaka reference does not disclose the subject matter of claims 3 and 7, the removal of the Besson reference as prior art that is available against the subject matter of the present application overcomes the rejection of original claims 3 and 7. Independent claim 1 has been

amended to embody the subject matter of claim 3 therein, and independent claim 5 has been amended to embody the subject matter of claim 7 therein. Accordingly, independent claims 1 and 5 are submitted to be in condition for allowance, as are all of the claims respectively depending therefrom.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



(Reg. 28,982)

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